

MEMO ENDORSED



THE CITY OF NEW YORK
LAW DEPARTMENT
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VIA ECF

June 4, 2025

The Honorable Jessica G. L. Clarke
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Ambrister, et al. v. New York City Department of Education, et al.*,
No. 24-cv-08403

Dear Judge Ramos:

I am an Assistant Corporation Counsel in the Office of Muriel Goode-Trufant, Corporation Counsel of the City of New York. This office represents the New York City Department of Education and David C. Banks (in his official capacity) (collectively, “Defendants”) in the above-referenced proceeding.

I write pursuant to Rule 5.2(d) of the Federal Rules of Civil Procedure and Your Honor’s Individual Practices to respectfully request leave to file under seal certain exhibits to the Administrative Record, which Defendants intend to submit in support of their Motion for Summary Judgment. This matter is brought pursuant to the Individuals with Disabilities Education Act (“IDEA”) and involves the educational services provided to minor students. The proposed sealed materials, if filed publicly, would allow the public to determine the identity of the named plaintiffs. This information should not be made public in compliance with Rule 5.2(a). *See Fed. R. Civ. P. 5.2(a).*

Knowledge of the named plaintiffs’ identities would allow the public to learn “personally identifiable information” describing their medical history and disabilities, in addition to their educational records and information detailing their educational progress and history that has been detailed in the pleadings and other filings in this matter. This information is confidential under the IDEA and the Family Educational Rights and Privacy Act (FERPA). 34 C.F.R. § 99.3 (defining personally identifiable information under FERPA), § 300.32 (including a “list of personal characteristics or other information that would make it possible to identify the child with reasonable certainty” as personally identifiable information under IDEA).

Therefore, Defendants respectfully submit that the proposed sealed exhibits are appropriately filed under seal pursuant to *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006) (Countervailing factors weighing in favor of sealing include, inter alia, the privacy interests of those resisting disclosure).

The *Lugosch* standard is met here, as protecting the privacy interests of the minor students by keeping confidential their education and medical history constitutes a “compelling reason” to seal the Hiatt Declaration exhibits. This strong privacy interest outweighs the public's interest in access. *Lugosch*, 435 F.3d at 121. Accordingly, Defendants respectfully request leave to file Hiatt Declaration Exhibits A-C under seal. Defendants have conferred with Plaintiffs concerning this request and Plaintiffs consent to filing these documents under seal.

Thank you in advance for your consideration of this request.

Respectfully submitted,
/s/ John Doody
John Doody
Assistant Corporation Counsel

cc: All counsel of record (VIA ECF)

APPLICATION GRANTED. The Court concludes that Defendants have met their burden to demonstrate that the interests in filing the administrative record, ECF No. 17, under seal outweigh the presumption of public access under *Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110 (2d Cir. 2006). Access is restricted to attorneys appearing for the parties and court personnel. The Clerk of Court is respectfully directed to terminate ECF No. 16.

SO ORDERED.



JESSICA G. L. CLARKE
United States District Judge

Dated: July 7, 2025
New York, New York